IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4137 of 2006()

CRA.156/2005 of ADDL. SESSIONS COURT (ADHOC-III), KASARAGODE
CC.128/2005 of JUDL. MAGISTRATE OF FIRST CLASS, KASARAGOD

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REVN. PETITIONER: APPELLANT/ACCUSED

ABDULLA, AGED 33 YEARS,
S/O.ABBAS, PARA, ENMAKAJE VILLAGE,
ADAYANADKA P.O., KASARAGOD TALUK & DISTRICT.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENTS: RESPONDENT/COMPLAINANT:

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1. K.GOPALA KUDDUPADAVU,
AGED 34 YEARS, S/O.KESHAVA PATALI,
KUDDUPADAV, KEPU VILLAGE, ADAYANADKA P.O.,
BANTWAL TALUK, KARNATAKA STATE.

2. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No. 4137 of 2006

Dated this the 27th day of November, 2006

ORDER

The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act in C.C. No. 128 of 2005 on the file of the Court of Judicial Magistrate of First Class, Kasaragod, and was sentenced to undergo simple imprisonment for two months. The trial court further directed the petitioner herein to pay an amount of Rs.25,000/- as compensation under Section 357(3) of the Code of Criminal procedure and in default of payment of compensation to undergo simple imprisonment for one month. The petitioner challenged the conviction and sentence in Crl.A.No. 156/05. The appellate court confirmed the conviction and sentence.

2. After having heard the learned counsel for the petitioner for quite sometime, it is submitted that a reasonable time may be granted to the petitioner to pay the compensation amount and that the sentence may be reduced. In the manner in which I propose to dispose of the revision, I do not think it is

necessary to issue notice to the first respondent. I am not inclined to interfere with the conviction.

In the result, this Crl.R.P. is partly allowed. The conviction of the petitioner under Section 138 of the Negotiable Instruments Act is confirmed. The sentence of imprisonment for a period of two months is reduced to sentence of imprisonment till the rising of the court. The direction to pay compensation of Rs.25,000/- and the default sentence thereon shall stand confirmed. However, the petitioner is granted two months' time to pay the compensation amount. The petitioner shall appear before the trial court on 20th December 2006 to undergo imprisonment till the rising of the court and shall also continue to appear as may be directed by the trial court till the compensation amount is paid. The default sentence shall be kept in abeyance for a period of two months.

K.T.SANKARAN,
JUDGE

csl